

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**TENTATIVE ORDER NO. R9-2002-0385  
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY WITH MANDATORY  
MINIMUM PENALTIES AGAINST  
KINDER MORGAN ENERGY PARTNERS  
MISSION VALLEY TERMINAL WASTEWATER TREATMENT SYSTEM FOR  
VIOLATIONS  
OF  
ORDER NO. 2001-96, NPDES PERMIT NO. CAG919002**

The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on December 11, 2002, to hear evidence and comments on the allegations contained in Amended Complaint No. R9-2002-0205, dated October 24, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385, in the amount of \$21,000 finds as follows:

1. On October 10, 2001, the Regional Board adopted Order No. 2001-96, NPDES Permit No. CAG919002, *General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction, Remediation, And Permanent Groundwater Extraction Projects To Surface Waters Within The San Diego Region Except For San Diego Bay*. Kinder Morgan Energy Partners was enrolled to discharge pursuant to Order No. 2001-96 on February 26, 1997 for the Mission Valley Terminal Wastewater Treatment System located in San Diego, California. Hydrocarbon impacted water is extracted and treated using air strippers and granular activated carbon filters and is then discharged to Murphy Canyon Creek, a tributary to the San Diego River. Approximately 170,000 gallons per day of treated water is discharged from this facility.
2. Kinder Morgan Energy Partners' Self Monitoring Reports (SMRs) for the period from January 2002 through June 2002 indicate seven sampling results in violation of Order No. 2001-96's Discharge Specifications. These violations are summarized in *Table 1 – Violation Summary for Kinder Morgan Energy Partners – SFPP, LP Mission Valley Terminal Wastewater Treatment System*.
3. Under California Water Code sections 13385(h) and (i), seven violations are subject to mandatory minimum penalties as outlined in Table 1.
4. Two serious violations for total phosphorus and manganese and a total of five chronic violations for total phosphorus, acute and chronic toxicity are assessed \$3,000 per violation. The total amount of the mandatory minimum penalty is \$21,000.
5. Consideration of the information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0205 supports assessment of civil

liability pursuant to Water Code section 13385(h) and (i) in the amount of \$21,000 as detailed in Table 1.

6. The Regional Board incurred costs totaling \$6,400, which includes investigation, preparation of enforcement documents, and communication with the discharger.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED** that pursuant to section 13385 of the California Water Code, civil liability is imposed on Kinder Morgan Energy Partners in the amount of twenty one thousand dollars (\$21,000) and that the rationale for the assessment contained in Complaint No. R9-2002-0205 is hereby incorporated into this Order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 11, 2002.

TENTATIVE  
JOHN H. ROBERTUS  
Executive Officer  
December 11, 2002